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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/217,469	12/21/1998	MIKHAIL ZAYDMAN		8318

7590 11/29/2001

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APT C7  
BROOKLYN, NY 11235

EXAMINER

HOANG, TU BA

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 11/29/2001

18

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/217,469

Applicant(s)

ZAYDMAN, MIKHAIL

Examiner

Tu Hoang

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14, 26-29 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14, 33 and 34 is/are allowed.
- 6) ☒ Claim(s) 26-29 and 31-32 is/are rejected.
- 7) ☒ Claim(s) 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 20 August 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 3742

### ***Reissue Applications***

The request filed on August 20, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/217,469 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Drawings***

It is noted that the amendment to the drawings filed August 20, 2001 for canceling Figures 23 and 24 has been approved and entered by the examiner and acceptable for examination purposes. They will be used as the drawings for publication in the printed reissue patent if approved by the draftsman. However, the drawings are objected to under 37 CFR 1.83(a). It is noted that the drawings must show every feature of the invention specified in the claims. Therefore, the "grate being removably attached to said at least one rod and said rotatable disc" as recited in claim 29 (with the rod is also inserted into the grate along a central line of the grate, wherein the grate is rotated around the axis of the rod) or the "discs being detachable connected to said grate and said rod" as recited in claim 32 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

As indicated in the previous Office Action, while Figures 12A and 13A are showing the grate connected to the discs and Figure 13B is showing the grate connected to the rod, there is no original disclosure or embodiment figure for disclosing/showing the grate removably attached or detachable connected to **both** the rod and the discs. After further review, Figure 12A does not include the discs 41 and 42 but only the rod 36 and the grate 45, Figure 13A shows the discs 41 and 42 provided with a plurality of rods 43 but no grate 45, and Figure 13B **does not** show the **grate 45 connected to the discs 41 and 42** but only the grate 45 is mounted for rotation around the rod with the rod is inserted into the grate along the central line of the grate. These recitations are also considered new matter.

It is noted that such amendments to the original patent drawings are not permitted under 37 CFR 1.173(b)(3). If there are changes to be made to the patent drawings, must be made in a manner required by 37 CFR 1.84. and 37 CFR 1.173(b)(3).

### ***Specification***

**New matter:** The specification is objected to under 35 U.S.C. 251 because the specification, as originally filed, does not provide support for the invention as now claimed in the newly added claims 26, 29 and 32. Applicant is required to cancel the new matter in the reply to this Office action.

**Claims Rejections under 35 USC § 251:** newly added claims 26-28, 29, 31 and 32 are rejected under 35 U.S.C 251 as being improperly introduced new matter in a reissue application. It is noted the original specification does not provide any support for the recitation of "each of said plurality of rods rotates **one complete revolution every time** said **first and second rotatable discs rotate one complete revolution**" as recited in claim 26, "said grate being removably **attached** to said at least one **rod and said rotatable disc**" as recited in claim 29, and ""said discs being detachably **connected to**

Art Unit: 3742

**said grate and said rod**" as recited in claim 32. It is noted that while the specification has indicated that each of the rods can be rotated as the first and second discs rotated. Since the number of complete revolutions that the rod rotated also can be dependent from the size (i.e., diameter) of the disc and the fly wheel connected to the rod. For instant, with a larger disc and heavier fly wheels, as the disc rotates one complete revolution, the rod that rotatable connected to such disc can rotate more than one complete revolution in which such revolutions are caused by the weight of the fly wheel as well as the size of the disc (since the diameter of the rod is much smaller than of the disc). Thus, since the specification as its original filing has never provided any support for such recitation in claim 26. This is clearly new matter.

***Claim Objections***

Claim 32 is objected to because of the following informalities: after "compact" recited at line 4, the term "smoking" should be inserted for being consistent. Appropriate correction is required.

Claims 1-14 and 33-34 are allowed over the art of record.

***REMARK***

New matter rejection is remained as for the reason set forth above.

The rejection based upon recapture of the surrendered subject matter has been withdrawn.

The rejection of the claims over the art of record has all been withdrawn in lieu of the claim amended.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Hoang whose telephone number is (703) 308-3303.

tbh

November 2, 2001

  
Tu Ba Hoang  
Primary Examiner

Attachment for PTO-948 (Rev. 03/01, or earlier)  
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a)

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.